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# Department of State TELEGRAM

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FM AMEMBASSY SAIGON
TO SECSTATE WASHDC 6983
INFO AMEMBASSY BANGKOK
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USDEL FRANCE
AMEMBASSY PHNOM PENH
AMEMBASSY VIENTIANE

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CINCPAC FOR POLAD

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY Joan Izgubee DATE 1/26/82
RDS☐or XDS☐EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKING: ☐
DECLASSIFIED☐ RELEASABLE☑
RELEASE DENIED☐
EXEMPTIONS FOI

SUBJECT: MINH REPEATS CALL FOR ACTIVE US ROLE TO ENSURE FREE ELECTIONS

REF: SAIGON 10800 POL 2-5 Viet S POL 14 Viet S

1. PRESIDENTIAL CHALLENGER DUONG VAN MINH'S PRESS OFFICER (DEPUTY NGUYEN HUU CHUNG) JULY 5 ISSUED A COMMUNIQUE FURTHER CLARIFYING MINH'S CALL FOR AN ACTIVE US ROLE IN MONITORING THE ELECTION AS MADE TO THE CHRISTIAN SCIENCE MONITOR JUNE 23 (REFTEL). FOLLOWING IS EMBASSY TRANSLATION OF COMMUNIQUE:

2. BEGIN TEXT. RECENTLY SOME SAIGON NEWSPAPERS HAVE INCOMPLETELY REPRODUCED AN INTERVIEW GRANTED BY GEN. DUONG VAN MINH TO THE AMERICAN NEWPAPER "CHRISTIAN SCIENCE MONITOR" AND SOME OTHERS HAVE DISTORTED THE TRUTH AND MADE ILL-INTENTIONED COMMENTS.

3. WE DEEM IT NECESSARY TO MAKE CLEAR THAT DURING THE INTERVIEW GEN. DUONG VAN MINH SET FORTH THE FOLLOWING VIEWS:

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4. POINT ONE. THE US SAYS IT WILL NOT INTERFERE IN THE FORTHCOMING ELECTION SO AS TO PRESERVE ITS HONESTY. BUT SUCH IMPARTIALITY IS NEGATIVE AND TARDY, BECAUSE THE US HAS HANDED OVER TO MR. THIEU ALL NECESSARY MEANS SUCH AS RURAL DEVELOPMENT CADRES, AND THE " PHOENIX CAMPAIGN" CADRES, TRAINED AND PAID BY THE US, AND AT PRESENT MR. THIEU IS USING THEM IN HIS ELECTION CAMPAIGN. FURTHERMORE, MR. THIEU ALSO DISPOSES OF AN ADMINISTRATIVE AND MILITARY APPARATUS WHICH HE IS USING TO RIG THE ELECTION.

5. POINT TWO. GEN. MINH BELIEVES THAT THE US HAS THE DUTY ACTIVELY TO GUARANTEE THE HONESTY OF THE FORTHCOMING ELECTION. HE DECLARED THAT IF THE US DESPOSES OF SUFFICIENT MEANS TO WATCH OVER ANDPREVENT A RIGGED ELECTION, AND IF THE AMERICANS WANT TO PROVE THEY REALLY ARE PERSONS WHO EAGERLY STRUGGLE FOR JUSTICE, LIBERTY AND DEMOCRACY, THEN THE AMERICAN ADVISORS SCATTERED THROUGHOUT VIET-NAM CAN CHECK ON THE FRAUDS OF MR. THIEU'S ELECTION APPARATUS, BY FOLLOWING UP CAREFULLY AND RECORDING WHETHER THE ELECTION IS HONEST OR NOT. IF THE US JUST ADOPTS A PASSIVE ATTITUDE AND LEST MR. THIEU RIG THE ELECTION, THEN HOLDING THE ELECTION WOULD BE USELESS.

6. POINT THREE. GEN. MINH ALSO STRESSED THAT HE DOES NOT ADVOCATE A COALITION, BECAUSE COALITION IS BUT A STEP FORWARD IN THE PROCESS OF LETTING THE COMMUNISTS CONQUER SOUTH VIET-NAM. HE DECLARED THAT HE ONLY ADVOCATED PEACEFUL PARALLED EXISTENCE. PEACEFUL PARALLED EXISTENCE AND COALITION ARE TWO VERY DIFFERENCT MATTERS. HE SAID: "THE STORIES ALLEGING THAT I AM READY TO ACCEPT A COALITION WITH THE COMMUNISTS, IN EXCHANGE FOR PEACE, ARE SPREAD BY MR. THIEU'S GOVERNMENT. END TEXT
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FM AMEMBASSY SAIGON
TO SECSTATE WASHDC 7297

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SUBJECT: SUPREME COURT RULING ON PRESIDENTIAL ELECTION LAW

1. SUMMARY: THE SUPREME COURT RULED ON JULY 13 THAT ARTICLE 10-7 (THE ENDORSEMENT PROVISION) OF THE PRESIDENTIAL ELECTION LAW DOES NOT VIOLATE THE CONSTITUTION. END SUMMARY.

2. THE SUPREME COURT JULY 13 RULED THAT ARTICLE 10-7 OF THE PRESIDENTIAL ELECTION LAW (REQUIRING THE ENDORSEMENT OF PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES BY 40 NATIONAL ASSEMBLY MEN OR 100 PROVINCE AND CITY COUNCILORS) DID NOT VIOLATE THE CONSTITUTION. REJECTING THE ARGUMENTS OF THE FOUR PLAINTIFFS THAT THE ENDORSEMENT ARTICLE VIOLATED THE CONSTITUTIONAL PRINCIPLE OF EQUALITY OF ALL CITIZENS (ARTICLE 2-2), THE RIGHT OF A CITIZEN TO RUN FOR OFFICE (ARTICLE 13-2), AND THE PRINCIPLE OF DIRECT ELECTION OF THE PRESIDENT AND VICE-PRESIDENT BY SECRET BALLOT (ARTICLE 52-1), THE COURT CONCLUDED THAT THE NATIONAL ASSEMBLY HAS THE RIGHT TO SET FORTH SPECIAL CONDITIONS IN THE PRESIDENTIAL ELECTION LAW. ACCORDING TO ARTICLE 53-5, THE COURT ARGUED, THE CONSTITUTION SPECIFIES ALL CITIZENS MUST MEET ALL "OTHER CONDITIONS" SET FORTH IN THE PRESIDENTIAL ELECTION LAW. FURTHER, IN THE COURT'S OPINION THE CONSTITUTION DOES NOT PROHIBIT THE NOMINATION OF CANDIDATES, NOR DOES ARTICLE 70 PROHIBIT PROVINCE AND CITY COUNCILORS FROM NOMINATING PRESIDENTIAL CANDIDATES.

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3. JUSTICE TRAN MINH TIET, FORMER CHIEF JUSTICE OF THE COURT, SET PRECEDENT BY READING A DISSENTING OPINION IN WHICH HE ARGUED THAT THE ENDORSEMENT ARTICLE VIOLATED ARTICLE 2-2 OF THE CONSTITUTION ESTABLISHING THE EQUALITY OF ALL CITIZENS. ASIDE FROM

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